

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 10

March 26, 2003

**SUBJECT: HANDLING A CITATION RELATED TO A COMPLAINT
INVESTIGATION**

PURPOSE: In the past, supervisors were able to place a "hold" on an absentee or personal service citation pending completion of a complaint investigation. Once the issue was resolved, the hold could be lifted and the courts would notify the defendant of his/her new court date. However, absentee citations are now subject only to civil fines, so they must be filed quickly if the City is to pursue any civil fines. Additionally, the courts will no longer notify a defendant of the court date when a "hold" is lifted from a personal service citation.

This Order eliminates the option of placing a "hold" on an absentee citation and fixes responsibility for notifying the defendant of a court date when a "hold" is lifted from a personal service citation.

PROCEDURE:

I. CITATIONS RELATING TO A COMPLAINT INVESTIGATION—INITIAL INVESTIGATION.

A. Absentee Citations (parking). An Absentee Citation shall not be placed on "hold" pending the result of a complaint investigation. An Absentee Citation related to a complaint investigation shall either be submitted to the Traffic Court Liaison Unit (TCLU) without delay or the supervisor shall request cancellation in accordance with Department procedure (Manual Section 4/326.75).

B. Traffic Notice to Appear Citation (traffic citation). During the preliminary stages of a complaint investigation involving a traffic citation, the supervisor shall determine if cancellation of the traffic citation is appropriate.

- * When immediate cancellation is appropriate, the supervisor shall submit a Citation Cancellation Request, Form 4.45, with the original citation attached, to the employee's commanding officer for

approval. The employee's commanding officer shall forward the cancellation request and original citation to the bureau commanding officer for final approval; or,

- * When further investigation is required before determining whether a cancellation is appropriate, the supervisor, after obtaining approval from the employee's commanding officer, shall forward the original traffic citation to the Officer in Charge (OIC), Traffic Court Liaison Unit (TCLU) with instructions to place a "hold" on the traffic citation. If the original traffic citation is not available, the supervisor shall contact the OIC, TCLU telephonically and request that a "hold" be placed on the traffic citation.

Note: The defendant's copy of the traffic citation, if available, shall be maintained with the complaint investigation file until the investigation is completed.

When a "hold" has been placed on the traffic citation, the supervisor shall ensure that the defendant is notified of the temporary suspension of judicial proceedings against him/her, and that the defendant will not have to appear in court or pay any fines in connection with the traffic citation until he/she is notified otherwise by the Department.

II. PROCESSING A "HELD" CITATION UPON COMPLETION OF A COMPLAINT INVESTIGATION.

Upon completion of the complaint investigation, the supervisor shall determine the proper disposition of the traffic citation and notify the OIC, TCLU, of the action to be taken.

- * If the "hold" is to be released, a supervisor shall ensure that the defendant's copy is returned to the defendant with the pink (violator's) copy of the Notice of Correction and Proof of Service, Form 4.07, advising the defendant of the new court date. The original (white) copy of the Notice of Correction and Proof of Service shall be forwarded to the OIC, TCLU, for filing with the original traffic citation; or,

Note: The Department has one year to file a traffic citation case (California Penal Code Section 802). When a "hold" is released, that date shall be used to determine the new court date utilizing the Citation Guide, Form 16.65. If the date of the commission of the offense is more than one year prior to the release date, a Citation Cancellation Request shall be completed and the defendant notified of the action taken.

- * If the traffic citation is to be cancelled, the supervisor shall ensure that a Citation Cancellation Request is completed and the defendant notified of the action taken.

AMENDMENTS: This Order amends Manual Section 4/326.67.

AUDIT RESPONSIBILITY: The Commanding Officer, Uniformed Services Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "A"